

Idaho Conservation League says laws require air discharge disclosure
(Times-News, ID)
By Julie Pence

Two environmental groups are beginning a full-court press against the Desert Rose Farms dairy.

The Idaho Conservation League has notified Desert Rose owner Hank Hafliger of its intent to file suit within 60 days in federal court, contending the dairy hasn't followed federal law regarding disclosure of ammonia and hydrogen sulfide emissions.

At issue are laws called the Comprehensive Environmental Response Compensation and Liability Act and also the Emergency Planning and Community Right-to-Know Act.

"CERCLA and EPCRA protect citizens in communities by requiring that polluters report what they are releasing into the air," said Lauren McLean, who works on dairy issues for the Conservation League.

Ammonia and hydrogen sulfide at the dairy, according data collected by the Conservation League, have reached high enough levels set by the Environmental Protection Agency that they needed to be reported to local, state or federal government officials, McLean said. The group contends that Hafliger's dairy has continued to emit more than 100 pounds of the two chemicals per day.

"Plaintiffs are informed and believe such violations have occurred on a daily basis over the past five years, at a minimum, and continue to occur," a copy of the notice of intent says.

McLean would not say from what source the organization gathered the data. To date, McLean said, she is not aware of any agency in the state to which polluters would report they had reached dangerous enough levels of ammonia and hydrogen sulfide, nor could she offer information about how other states handle the federal requirement. She also noted that so far Hafliger has not broken any Idaho laws in regard to excessive odors.

Hafliger was traveling when he found out about the pending lawsuit from The Times-News on Monday. He said he had no comment. But Bob Naerebout, director of the Idaho Dairymen's Association, said he was not aware of there were such requirements.

"We understood they were looking to file a lawsuit, but we didn't know who or what," he said Monday. "Right or wrong, Hank has done numerous things to

try to correct his odor issue. In this case, nobody, as far as I know, has made him aware that he was in violation. So somebody has dropped the ball. Someone from the regulatory side has not informed the industry."

Just two weeks ago, Gov. Dirk Kempthorne visited Magic Valley to reassure neighbors of large dairies in the valley that progress has been made since he made a promise to Desert Rose neighbors in January 2001 that he was focused on improving their lot. The governor promised the state would no longer allow "flush" systems on new dairies because they are notoriously smelly. Hafliger, whose dairy was designed to operate with the flush system, is in the process of switching to a "scrape" system.

The Sawtooth Chapter of the Sierra Club also has zeroed in on the Hafliger dairy, asking the EPA to enforce the Clean Air Act on the dairy.

The request is part of a nationwide push from a number of environmental groups meant to pressure the Bush administration to put its attention on the Clean Air Act and concentrated animal feeding operations.

"CAFOs shatter the quality of life in rural communities across the country. The stench locks children indoors. The operations ruin adjacent family farms, destroying the tax base and viability of small towns," said Bertilia Redfern, who chairs the Sawtooth group.

A letter issued by the environmental coalition accuses the Bush administration of calling a halt to any further air enforcement on CAFOs.

The Sawtooth group also asked the Bush administration to consider six other Magic Valley dairies, along with six Canyon County dairies.

Naerebout said his group has not formed a response yet to the Sierra Club's charges.9-9-03